

UNITED STATES OF AMERICA
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

Case No. 2:04-cr-42

MATTHEW SEAN SPRY,

HON. DAVID W. McKEAGUE

Defendant(s).

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ORDER ADJOURNING TRIAL

On June 29, 2005, the government filed a motion to exclude the testimony of defendant's expert witness on the voluntariness of confessions and evidence of defendant's prior mental condition (docket #57). On June 30, 2005, the government filed a request for a "certain trial date" pursuant to the Victim's Rights Act (docket #59), and asked the court to designate trial to commence on July 11, 2005. In response, defendant filed a motion for continuance (of the trial date scheduled for July 11, 2005) (docket #61), citing the need for a *Daubert* hearing relative to the government's motion to exclude the testimony of defendant's expert, Dr. Abramsky. Counsel met with the undersigned on July 1, 2005, at which time a status conference was conducted in chambers to discuss these matters. The court believes that a hearing will need to be conducted before the trial judge with regard to the expert witness issue, and that counsel will need additional time to prepare for that hearing. Therefore,

IT IS HEREBY ORDERED that defendant's motion to continue is granted; the government's motion to commence trial July 11, 2005, is denied. A separate scheduling order will

issue setting the government's motion to exclude testimony for hearing, as well as rescheduling the final pretrial conference and jury trial date.

IT IS SO ORDERED.

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: July 5, 2005